

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 19, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of May 12, 2003, reported having done so, found same correct.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY OF LINCOLN IN AN AMOUNT NOT EXCEEDING \$21,000,000, AND DECLARING AN EMERGENCY - Don Herz, Director of Finance, came forward to explain the purpose of these bonds to the Council. He stated that \$10M of this would go for the Storm Sewer and Drainage system that had just been approved in the City's general election, another \$10M would be for existing bond obligations. This transaction would ultimately save the City \$1M. The bids for these bonds will be done competitively in June of 2003.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD;
APPROVING THE PINECREST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND PATRICK MOOBERRY RELATING TO THE ANNEXATION OF APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD;

SPECIAL PERMIT 1991 - APPLICATION OF PATRICK MOOBERRY TO DEVELOP PINECREST COMMUNITY UNIT PLAN CONSISTING OF 288 DWELLING UNITS, WITH WAIVERS TO THE REQUIRED RECREATION FACILITY, LOT WIDTH, LOT AREA, REDUCTION OF THE FRONT YARD SETBACK, CLUSTER DENSITY FOR THE MULTI-FAMILY AREA, AND TO ALLOW A MAXIMUM HEIGHT OF 40' ON LOT 1, BLOCK 1 IN THE MULTI-FAMILY AREA, ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD;

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINECREST CONSISTING OF 201 LOTS, WITH WAIVERS OF THE DESIGN STANDARDS TO EXCEED SANITARY SEWER DEPTH AND FLOWS, MODIFICATION OF THE LAND SUBDIVISION ORDINANCE TO PERMIT NON-PERPENDICULAR LOT LINES, TO EXCEED LOT WIDTH-TO-DEPTH RATIO, TO ELIMINATE THE STREET CONNECTION TO THE WEST, TO ALLOW BLOCK LENGTHS LONGER THAN 1320 FEET, AND TO WAIVE THE REQUIRED PEDESTRIAN WAYS AND DETENTION REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD. - Mark Hunzeker, 530 S. 13th St., Suite B, representing Patrick Mooberry, came forward to explain that again last Friday is when he received the annexation agreement prepared by the City. We are voicing the same objections that we had in Hub Hall Heights and Pine Lake Plaza. This is an entirely residential district and the subject of very moderately priced homes and the effect of this annexation agreement will be to require this developer to pay in advance, impact fees on all of the lots. Then the builder will pay an impact fee at the issuance of the building permits. He requested that these items be placed on pending for two weeks to have some additional time to discuss this with the City Attorney's office.

Councilman Werner asked Dana Roper, City Attorney, if this was correct that the fees would be paid twice. Mr. Roper came forward and stated that was correct at this time and that their office was trying to work something out that they pay when building permits are taken out when it is platted. We still have the disagreement on how much of a guarantee the city needs on this.

This matter was taken under advisement.

CHANGE OF ZONE 3403 - APPLICATION OF CORNHUSKER PLACE OF LINCOLN-LANCASTER COUNTY FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN

CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 7TH AND K STREETS - Kent Seacrest, Attorney, came forward to explain that Cornhusker Place is an organization that assists individuals who are recovering from the disease of addiction from related problems associated with drugs and alcohol. We are requesting a change of zone to accommodate this to have a single occupancy room development on the third floor and the I-1 zone does not presently allow residential.

Jim Baird, Executive Director of Cornhusker Place, came forward to explain that this organization has been in place since 1983. In February we purchased the building and property. The goal is to have housing support for people and by having staff on site.

Councilman Werner asked if this would be permanent housing. Mr. Baird stated that most likely a client would want to move on after 12 - 24 months of treatment. The level of services that a client receives is based upon the needs assessment.

Mike Morosin, 2055 "S" Street, came forward to ask if video cameras would be in place to watch the hallways and the parking lots for drugs. He asked if there would be an officer on duty to watch those areas. He stated that many of these people are homeless and everything needs to be in place to make it a benefit to the community.

Mr. Baird returned for rebuttal. He stated that approximately 5,220 were brought into Cornhusker Place by law enforcement, of which 20% were women and 32% were under the age of 25. The staff is on hand 24 hours a day to handle the situations that arise.

Councilman Camp asked about the concerns Mr. Morosin expressed. Mr. Baird stated that their building has more law enforcement visits than any other building in Lincoln. However, the most important thing is having a well trained staff to deal with the issues.

Councilmembers Werner and Seng complimented Mr. Baird for the need that is being fulfilled by Cornhusker Place.

This matter was taken under advisement.

CHANGE OF ZONE 3404 - APPLICATION OF SGS, L.L.C. DBA AUTO PLEX FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND FLETCHER AVE. - Mark Hunzeker, 530 S. 13th St., Suite B, representing Auto Plex came forward in favor of this item.

This matter was taken under advisement.

CHANGE OF ZONE 3405 - AMENDING SECTION 27.81.010 OF THE LINCOLN MUNICIPAL CODE (THE ZONING ORDINANCE) TO REVISE THE LAND SIZE THRESHOLD AT WHICH APPROVED EROSION AND SEDIMENT CONTROL PLANS ARE REQUIRED FROM TWO ACRES TO ONE ACRE, AND TO CLARIFY PROVISIONS RELATED TO SEDIMENT IN THE PUBLIC RIGHT-OF-WAY;

AMENDING SECTIONS 26.11.038, 26.23.190, 26.27.060, AND 26.31.040 OF THE LINCOLN MUNICIPAL CODE (THE LAND SUBDIVISION ORDINANCE) TO REVISE THE LAND SIZE THRESHOLD AT WHICH APPROVED EROSION AND SEDIMENT CONTROL PLANS ARE REQUIRED FROM TWO ACRES TO ONE ACRE, AND TO CLARIFY PROVISIONS RELATED TO SEDIMENT IN THE PUBLIC RIGHT-OF-WAY;

AMENDING THE LINCOLN DESIGN STANDARDS TO REVISE THE LAND SIZE THRESHOLD AT WHICH APPROVED EROSION AND SEDIMENT CONTROL PLANS ARE REQUIRED FROM TWO ACRES TO ONE ACRE, AND TO CLARIFY PROVISIONS RELATED TO SEDIMENT IN THE PUBLIC RIGHT-OF-WAY - Nicole Fleck-Tooze, Public Works and Utilities came forward to give a brief background regarding these stormwater design standards. She stated the City works cooperatively with the Lower Platte South Natural Resources District to implement and enforce the program.

Councilwoman McRoy asked if the enforcement would change in the future. Ms. Fleck-Tooze said that it is possible that there may be proposed revisions to make enforcement more effective.

Craig Groat, 4935 Huntington St., came forward to give examples of how the city of Omaha prevents sediment flow.

This matter was taken under advisement.

SPECIAL PERMIT 1998 - APPLICATION OF MJM REALTY TRUST GROUP TO CONSTRUCT A RECREATIONAL FACILITY WITH INDOOR AND OUTDOOR TENNIS COURTS, FITNESS/EXERCISE AREA, GYMNASIUM, LAP POOL, CHILDREN'S LEARNING CENTER, PRO SHOP AND CONCESSION AREA, WITH WAIVERS TO THE REQUIRED REAR YARD SETBACK AND TO EXCEED THE MAXIMUM ALLOWED HEIGHT IN THE AG DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND SOUTH STREET - Marilyn Bernthal, President of Nebraska Tennis Association, came forward in support. She stated this site could help Lincoln's economy with the fact that National Jr. and Adult Tournaments need places such as this, thus helping the motels, hotels, restaurants and retail stores. For example, the Missouri Valley Jr. Tennis Tournament would bring approximately 250 players to town for four to five days, accompanied by parents and coaches.

Pam Sock, 9500 Calvert St., came forward in support.

Craig Groat, 4935 Huntington St., came forward in opposition.

Pam Schumacher, 8420 Norval Rd., came forward in opposition.

Council Chair Cook asked for the Planning Dept. to come forward.

Ray Hill, Planning Dept. came forward to answer questions regarding the amendments. He indicated that staff is now recommending approval of this by the developer because they are reducing its size and height. He stated that the parking lot lights and the outdoor court lights would be turned off at 10:00 p.m. and kept off until 6:00 a.m.

Councilman Camp asked if the original waivers were removed due to the revisions (one for setback and one for height). This fact was confirmed.

J. D. Burt, Design Assocs., 1609 N St., Suite 100, representing Nebraska Tennis and MGM Realty Trust, came forward for rebuttal. He stated that zoning issues are allowed by special permit and that they have not asked for a change of zone with this application. The majority of the site grading is located in the easterly portion of the site. Councilman Cook asked about the court lighting. Mr. Burt explained the parking lighting will be designed to prohibit light trespass. The structures that are proposed for this site are opaque and not similar to those at Woods Park. He stated that it was the neighbors that suggested the light restriction by 10:00 p.m. in the evenings.

This matter was taken under advisement.

SPECIAL PERMIT 622F - APPLICATION OF CRAIG BAUER CONSTRUCTION TO AMEND THE VILLAS AT LAKESIDE COMMUNITY UNIT PLAN TO CHANGE FROM 130 UNITS IN 5 APARTMENT BUILDINGS TO 54 TOWNHOUSES ON INDIVIDUAL LOTS, TO REDESIGN THE ROADWAY WITHIN THE TOWNHOUSE AREA, TO REVISE THE LOCATIONS OF GARAGES AND TO ADD PARKING STALLS, WITH WAIVERS OF THE REQUIRED PRELIMINARY PLAT, TO ALLOW THE PLANNING DIRECTOR TO GRANT APPROVAL OF AN ADMINISTRATIVE FINAL PLAT THAT INCLUDES A PRIVATE ROADWAY, A WAIVER OF THE STORMWATER DETENTION REQUIREMENTS, AND TO EXCEED THE MAXIMUM NUMBER OF DWELLING UNITS ON A DEAD-END STREET, ON PROPERTY GENERALLY LOCATED AT LAKESIDE DRIVE AND WEST LAKESHORE DRIVE - Gus Postingl, Ross Engineering, 650 J St., Suite 210, representing Lakeside Partnership, came forward to explain the third phase of development. We have had to modify the roadway system with a private roadway that ends in a triangular cul-de-sac.

Ron Ross, Ross Engineering, 650 J St., Suite 210, came forward to explain the stormwater detention for the Saltcreek Tiger Beetle habitat and that the State Agencies had come back to express concern regarding the runoff from our project. So at the Planning Commission, we added an amendment to provide detention and that they will work with the three agencies and have modified their site plan accordingly.

Craig Bauer, developer of the property, came forward to thank the Planning Dept. for guiding the process in the last 3-4 weeks.

This matter was taken under advisement.

SPECIAL PERMIT 2011 - APPLICATION OF ANDERMATT L.L.C. TO DEVELOP HERITAGE LAKES EARLY CHILDHOOD DEVELOPMENT CENTER FOR AN EARLY CHILDHOOD CARE FACILITY, WITH A WAIVER OF THE REQUIRED ACCESS TO AN ARTERIAL STREET, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 91ST STREET AND HERITAGE LAKES DRIVE;

APPROVING A WAIVER OF DESIGN STANDARDS REQUIRING THAT LOT LINES BE PERPENDICULAR TO STREETS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. - Steve Clymer, Olsson Associates, 1111 Lincoln Mall, representing Julie Delp with Heritage Lakes Early Childhood Development Center, explained the staff recommendations to meet conditional approval. This location will serve the employees of the Nebraska Heart Institute and the residential

areas.

Councilman Friendt asked why the waivers were required. Mr. Clymer stated that they wanted a non-perpendicular lot line as they are working around a wetland area. The other waiver is to have frontage on an arterial street.

This matter was taken under advisement.

SPECIAL PERMIT 2007 - APPLICATION OF SUMMIT PROPERTIES L.L.C. FOR AUTHORITY TO SELL ALCOHOL FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 1000 SAUNDERS AVE. - Greg Chestnut, Summit Property, 1000 Saunders Avenue, came forward in favor of this permit.

This matter was taken under advisement.

SPECIAL PERMIT 2008 - APPLICATION OF RED ROBIN INTERNATIONAL FOR AUTHORITY TO SELL ALCOHOL FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 27TH STREET AND PORTER RIDGE ROAD - John Baehm, Red Robin, Inc., came forward to explain this new restaurant would be the 3rd one in Nebraska, located at Southpointe. He stated they would employ between 100 - 125 employees.

This matter was taken under advisement.

APPROVING THE ANNUAL PLAN PURSUANT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY TO PROVIDE FOR WEED CONTROL AND WEED ABATEMENT WITHIN THE CITY - Russ Schultz, Weed Control Superintendent, came forward with the annual plan for weed abatement.

Craig Groat, 4935 Huntington Street, came forward in opposition.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Lois Newman, (no address given), came forward to speak about the 24 hour parking time in her specific neighborhood. She does not want to have it changed. She believes that 24 hours is enough time and vehicles should then be moved.

Mike Morosin, 2055 "S" St., came forward regarding his property evaluation that he received in the mail. Councilman Friendt suggested he take up this process with the County Assessor.

Craig Groat, 4935 Huntington St., came forward regarding the critical need for a City Manager. He also stated the City should not have allowed non-organic materials to be used in the sidewalk right-of-way.

Ed Patterson, 2108 "Q" Street, came forward regarding his property evaluation.

These matters were taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY OF LINCOLN IN AN AMOUNT NOT EXCEEDING \$21,000,000, AND DECLARING AN EMERGENCY - CLERK read the following ordinance, introduced by Jon Camp, authorizing and providing for the issuance of General Obligation various purpose bonds of the City of Lincoln in an amount not exceeding \$21,000,000 and declaring an emergency, the second time. (**See COUNCIL ACTION under "ORDINANCES - 3rd READING"**)

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD. (In connection w/03R-123, 03R-116, 03R-117) - CLERK read the following ordinance, introduced by Jon Camp, amending the corporate limits of the

City by annexing approximately 50 acres of property generally located at N. 14th Street and Morton Road, the second time.

CHANGE OF ZONE 3403 - APPLICATION OF CORNHUSKER PLACE OF LINCOLN-LANCASTER COUNTY FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 7TH AND K STREETS - CLERK read the following resolution, introduced by Jon Camp, for a Change of Zone 3403, the application of Cornhusker Place of Lincoln-Lancaster County for a Change of Zone from I-1 Industrial District to B-4 Lincoln Center Business District on property generally located at South 7th and K Streets, the second time.

CHANGE OF ZONE 3404 - APPLICATION OF SGS, L.L.C. DBA AUTO PLEX FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND FLETCHER AVE - CLERK read the following ordinance, introduced by Jon Camp, for a Change of Zone 3404, the application of SGS, L.L.C. DBA Auto Plex for a Change of Zone from R-3 Residential to H-3 Highway Commercial District on property generally located at N. 27th Street and Fletcher Ave, the second time. **(See COUNCIL ACTION under "ORDINANCES 3rd READING")**

CHANGE OF ZONE 3405 - AMENDING SECTION 27.81.010 OF THE LINCOLN MUNICIPAL CODE - (THE ZONING ORDINANCE) TO REVISE THE LAND SIZE THRESHOLD AT WHICH APPROVED EROSION AND SEDIMENT CONTROL PLANS ARE REQUIRED FROM TWO ACRES TO ONE ACRE, AND TO CLARIFY PROVISIONS RELATED TO SEDIMENT IN THE PUBLIC RIGHT-OF-WAY. (In connection w/03-81, 03R-124) - CLERK read the following resolution, introduced by Jon Camp, for a Change of Zone 34-5 - Amending Section 27.81.010 of the Lincoln Municipal Code - (The Zoning Ordinance) to revise the land size threshold at which approved erosion and sediment control plans are required from two acres to one acre, and to clarify provisions related to sediment in the public right-of-way, the second time.

AMENDING SECTIONS 26.11.038, 26.23.190, 26.27.060, AND 26.31.040 OF THE LINCOLN MUNICIPAL CODE (THE LAND SUBDIVISION ORDINANCE) TO REVISE THE LAND SIZE THRESHOLD AT WHICH APPROVED EROSION AND SEDIMENT CONTROL PLANS ARE REQUIRED FROM TWO ACRES TO ONE ACRE, AND TO CLARIFY PROVISIONS RELATED TO SEDIMENT IN THE PUBLIC RIGHT-OF-WAY. - CLERK read the following ordinance, introduced by Jon Camp, amending Sections 26.11.038, 26.23.190, 26.27.060 and 26.31.040 of the Lincoln Municipal Code (The Land Subdivision Ordinance) to revise the land size threshold at which approved erosion and sediment control plans are required from two acres to one acre, and to clarify provisions related to sediment in the public right-of-way, the second time.

VACATING S.W. 13TH STREET FROM THE SOUTH LINE OF WEST "O" STREET TO THE NORTH LINE OF LOT 41 I.T. IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA - CLERK read the following ordinance, introduced by Jon Camp, vacating S.W. 13th Street from the south line of West "O" Street to the north line of Lot 41 I.T. in the northeast quarter of Section 28, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, the second time. **(See COUNCIL ACTION under "ORDINANCES 3rd READING")**

RESOLUTIONS

SPECIAL PERMIT 1998 - APPLICATION OF MJM REALTY TRUST GROUP TO CONSTRUCT A RECREATIONAL FACILITY WITH INDOOR AND OUTDOOR TENNIS COURTS, FITNESS/EXERCISE AREA, GYMNASIUM, LAP POOL, CHILDREN'S LEARNING CENTER, PRO SHOP AND CONCESSION AREA, WITH WAIVERS TO THE REQUIRED REAR YARD SETBACK AND TO EXCEED THE MAXIMUM ALLOWED HEIGHT IN THE AG DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND SOUTH STREET - PRIOR to reading:

CAMP Moved to adopt Substitute Resolution.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82096 WHEREAS, MJM Realty Trust Group has submitted an application designated as Special Permit No. 1998 for authority to construct a recreational facility with 11 indoor tennis courts, 12 outdoor tennis courts, fitness/exercise area, gymnasium, lap pool, children's learning center, pro shop, and concession area on property located at southeast of the intersection of South 84th and South Streets, and legally described to wit:

Lot 26 I.T., located in the West Half of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 35, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the northwest corner of the West Half of the Southwest Quarter of said Section 35; thence in an easterly direction, along the north line of the West Half of the Southwest Quarter of said Section 35, for a distance of 50.00 feet to the point of beginning; thence in a southerly direction, along the easterly 50.00 foot right-of-way line of South 84th Street, on an assumed bearing of south 00 degrees 35 minutes 21 seconds east, for a distance of 79.67 feet to a point on the northerly 33.00 foot right-of-way line of South Street; thence south 89 degrees 37 minutes 53 seconds east, along the northerly 33.00 foot right-of-way line of South Street, for a distance of 174.92 feet; thence continuing along the northerly 33.00 foot right-of-way line of South Street, on a curve to the left having a radius of 731.49 feet and an arc length of 229.63 feet, being subtended by a chord of north 81 degrees 22 minutes 32 seconds east, for a distance of 228.69 feet; thence north 72 degrees 22 minutes 56 seconds east, along the northerly 33.00 foot right-of-way line of South Street, for a distance of 35.32 feet; thence south 89 degrees 37 minutes 53 seconds east, parallel to and 33.00 feet south of the north line of the West Half of the Southwest Quarter of said Section 35, for a distance of 329.50 feet to a point on the southerly 33.00 foot right-of-way line of South Street; thence along the southerly 33.00 foot right-of-way line of South Street, on a curve to the left having a radius of 731.49 feet and an arc length of 229.63 feet, being subtended by a chord of south 81 degrees 22 minutes 32 seconds west, for a distance of 228.69 feet; thence south 72 degrees 22 minutes 56 seconds west, along the southerly 33.00 foot right-of-way line of South Street, for a distance of 122.84 feet; thence continuing on the southerly 33.00 foot right-of-way line of South Street on a curve to the right having a radius of 797.49 feet and an arc length of 250.35 feet, being subtended by a chord of south 81 degrees 22 minutes 32 seconds west, for a distance of 249.32 feet; thence north 89 degrees 37 minutes 53 seconds west, for a distance of 173.82 feet to a corner of said Lot 26; thence south 00 degrees 35 minutes 21 seconds east, along the easterly 50.00 foot right-of-way line of South 84th Street, for a distance of 525.33 feet to the southwest corner of said Lot 26; thence south 89 degrees 43 minutes 24 seconds east, along the south line of said Lot 26, for a distance of

1275.66 feet to the southeast corner of said Lot 26; thence north 00 degrees 28 minutes 39 seconds west, along the east line of the West Half of the Southwest Quarter of said Section 35, for a distance of 668.94 feet to the northeast corner of the West Half of the Southwest Quarter of said Section 35; thence north 89 degrees 37 minutes 53 seconds west, along the north line of the West Half of the Southwest Quarter of said Section 35, for a distance of 731.79 feet to a corner of said Lot 26; thence north 00 degrees 03 minutes 53 seconds west, for a distance of 33.00 feet to a corner of said Lot 26; thence north 89 degrees 37 minutes 53 seconds west, along the north line of said Lot 26, for a distance of 545.21 feet to the northwest corner of said Lot 26; thence south 00 degrees 03 minutes 53 seconds east, along the easterly 50.00 foot right-of-way line of South 84th Street, for a distance of 33.00 feet to the point of beginning; said property contains 19.19 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this recreational facility will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of MJM Realty Trust Group, hereinafter referred to as "Permittee", to construct a recreational facility with 11 indoor tennis courts, 12 outdoor tennis courts, fitness/exercise area, gymnasium, lap pool, children's learning center, pro shop, and concession area, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.130 of the Lincoln Municipal Code upon condition that construction and operation of said recreational facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a recreational facility consistent with the revised site plan.
2. Revise the site plan to show:
 - a. A signed surveyor's certificate.
 - b. Street trees planted along South 84th Street per Parks and Recreation Department review. The tree species and quantity of trees to be removed must also be shown.
 - c. Deletion of Note #5 from Sheet 1 relating to municipal water service.
 - d. The easements requested by the LES review dated January 3, 2003.
3. Before receiving building permits:
 - a. The Permittee must submit a revised, acceptable, final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. A revised grading and drainage plan approved by the Public Works and Planning Department.
4. Before occupying the recreational facility all development and construction must be completed in conformance with the approved plans.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The Permittee agrees to not oppose the creation of a district for the improvement of South Street abutting the property covered by this special permit at such time as either the property is annexed or the land on the north side of South Street adjacent to this property is developed.

9. The City will initiate annexation of the South Street right-of-way from South 84th Street east to a point 50' beyond the end of the proposed temporary termination of the South Street paving.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE PINECREST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND PATRICK MOOBERRY RELATING TO THE ANNEXATION OF APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD - PRIOR to reading:

FRIENDT Moved to continue P.H. & Action in two weeks to 6/2/03.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1991 - APPLICATION OF PATRICK MOOBERRY TO DEVELOP PINECREST COMMUNITY UNIT PLAN CONSISTING OF 288 DWELLING UNITS, WITH WAIVERS TO THE REQUIRED RECREATION FACILITY, LOT WIDTH, LOT AREA, REDUCTION OF THE FRONT YARD SETBACK, CLUSTER DENSITY FOR THE MULTI-FAMILY AREA, AND TO ALLOW A MAXIMUM HEIGHT OF 40' ON LOT 1, BLOCK 1 IN THE MULTI-FAMILY AREA, ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD - PRIOR to reading:

FRIENDT Moved to continue P.H. & Action in two weeks to 6/2/03.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINECREST CONSISTING OF 201 LOTS, WITH WAIVERS OF THE DESIGN STANDARDS TO EXCEED SANITARY SEWER DEPTH AND FLOWS, MODIFICATION OF THE LAND SUBDIVISION ORDINANCE TO PERMIT NON-PERPENDICULAR LOT LINES, TO EXCEED LOT WIDTH-TO-DEPTH RATIO, TO ELIMINATE THE STREET CONNECTION TO THE WEST, TO ALLOW BLOCK LENGTHS LONGER THAN 1320 FEET, AND TO WAIVE THE REQUIRED PEDESTRIAN WAYS AND DETENTION REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD - PRIOR to reading:

FRIENDT Moved to continue P.H. & Action in two weeks to 6/2/03.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 622F - APPLICATION OF CRAIG BAUER CONSTRUCTION TO AMEND THE VILLAS AT LAKESIDE COMMUNITY UNIT PLAN TO CHANGE FROM 130 UNITS IN 5 APARTMENT BUILDINGS TO 54 TOWNHOUSES ON INDIVIDUAL LOTS, TO REDESIGN THE ROADWAY WITHIN THE TOWNHOUSE AREA, TO REVISE THE LOCATIONS OF GARAGES AND TO ADD PARKING STALLS, WITH WAIVERS OF THE REQUIRED PRELIMINARY PLAT, TO ALLOW THE PLANNING DIRECTOR TO GRANT APPROVAL OF AN ADMINISTRATIVE FINAL PLAT THAT INCLUDES A PRIVATE ROADWAY, A WAIVER OF THE STORMWATER DETENTION REQUIREMENTS, AND TO EXCEED THE MAXIMUM NUMBER OF DWELLING UNITS ON A DEAD-END STREET, ON PROPERTY GENERALLY LOCATED AT LAKESIDE DRIVE AND WEST LAKESHORE DRIVE - PRIOR to reading:

CAMP Moved to amend Bill No. 03R-118 in the following manner:

1. On page 2, following line 25, add a new paragraph 7 to read as follows:

7. The waiver of the filing of a preliminary plat and the Planning Director's authorization to approve an Administrative Final Plat based on the approved Lakeside Village community Unit Plan shall only be effective for a period of ten (10) years from the date of this Resolution, and shall be of no force or effect thereafter. If any final plant on all or a portion of the approved community unit plan is submitted five (5) years or more after the date of this Resolution, the City may require that a new community unite plan be submitted, pursuant to all the provisions of

Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

2. Renumber the subsequent paragraphs accordingly.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SVOBODA Moved to amend Bill No. 03R-118 in the following manner:

1. On page 3, line 3, insert a new paragraph a. as follows:

a. To submit a plan for approval of the Director of Public Works showing revisions to the grading and drainage plan to reflect the comments of the Lower Platte South NRD and the Nebraska Game and Parks Commission regarding stormwater detention and retention facilities.

2. Renumber the subsequent paragraphs accordingly.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption as amended:

A-82097 WHEREAS, Villas at Lakeside L.L.C. has submitted an application designated as Special Permit No. 622F for authority to amend Lakeside Village Community Unit Plan from 130 units in five apartment buildings to 54 townhouses on individual lots, to redesign the roadway within the townhouse area, to revise the locations of garages, and to add parking stalls, with waivers of the requirement to submit a preliminary plat, to grant the Planning Director authority to approve an administrative final plat based upon the approved community unit plan and an administrative final plat that includes a private roadway, to waive the stormwater detention requirements, and to exceed the maximum number of dwelling units on a dead-end street on property located at Lakeside Drive and West Lakeshore Drive, and legally described to wit:

Lots 1, 2, Lakeside Village Addition, and Lot 1 and Outlot A, Lakeside Village 2nd Addition, located in Section 21, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amended community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application and by Resolution No. PC-00568 has conditionally approved Use Permit No. 622F; and

WHEREAS, Villas at Lakeside L.L.C. has appealed the action of the Lincoln City-Lancaster County Planning Commission approving Special Permit 622F with regard to requests for waivers of certain required conditions; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Villas at Lakeside L.L.C., hereinafter referred to as "Permittee", to amend the Lakeside Village Community Unit Plan from 130 units in five apartment buildings to 54 townhouses on individual lots, to redesign the roadway within the townhouse area, to revise the locations of garages, and to add parking stalls, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 54 dwelling units on 54 townhouse lots.

2. The requirement that the Permittee submit a preliminary plat is waived.

3. The Planning Director is hereby authorized to approve an Administrative Final Plat based upon the approved Community Unit Plan.

4. The Planning Director is hereby authorized to approve an Administrative Final Plat that includes a private roadway within this

Community Unit Plan.

5. The requirement of Lincoln Municipal Code § 26.23.080 that dead-end streets shall not have more than a potential 40 dwelling units is hereby waived to allow 42 dwelling units on the dead end street of Surfside Drive.

6. Administrative Final Plats will be approved by the Planning Director provided the Permittee has completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.

7. The waiver of the filing of a preliminary plat and the Planning Director's authorization to approve an Administrative Final Plat based on the approved Lakeside Village community Unit Plan shall only be effective for a period of ten (10) years from the date of this Resolution, and shall be of no force or effect thereafter. If any final plant on all or a portion of the approved community unit plan is submitted five (5) years or more after the date of this Resolution, the City may require that a new community unite plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

~~7.~~ 8. The Permittee shall enter into a signed Subdivision Agreement that binds the Subdivider, its successors and assigns, which shall provide as follows:

a. To submit a plan for approval of the Director of Public Works showing revisions to the grading and drainage plan to reflect the comments of the Lower Platte South NRD and the Nebraska Game and Parks Commission regarding stormwater detention and retention facilities.

~~a-b.~~ To submit a plan for approval of the Director of Public Works showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land.

~~b-c.~~ To complete the private improvements shown on the Community Unit Plan.

~~c-d.~~ To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

~~d-e.~~ To continuously and regularly maintain the street trees along Lakeside Drive, the private roadways, and landscape screens.

~~e-f.~~ To submit to the lot buyers and home builders a copy of the soil analysis.

~~f-g.~~ To pay all improvement costs.

~~g-h.~~ To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

~~h-i.~~ To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

~~i-j.~~ To inform all purchasers and users that the land is located within the outer approach zone of the Airport Environs District and that all construction shall be in conformance with the airport zoning requirements and the avigation and noise easement and covenant agreement.

~~j-k.~~ To inform all purchases and users that the land is

located within a noise impact zone as established by the Nebraska Department of Roads based upon proximity to Interstate 80, and that no noise abatement devices will be installed by the Nebraska Department of Roads along the Interstate.

~~8-9.~~ Before receiving building permits:

a. The Permittee must submit an acceptable, revised and reproducible final plan including five copies.

b. The construction plans must conform to the approved plans.

c. Administrative Final Plats must conform to the approved Community Unit Plan and be approved administratively by the Planning Director.

~~9-10.~~ Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

~~10-11.~~ All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

~~11-12.~~ The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

~~12-13.~~ The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

~~13-14.~~ The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

~~14-15.~~ The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2011 - APPLICATION OF ANDERMATT L.L.C. TO DEVELOP HERITAGE LAKES EARLY CHILDHOOD DEVELOPMENT CENTER FOR AN EARLY CHILDHOOD CARE FACILITY, WITH A WAIVER OF THE REQUIRED ACCESS TO AN ARTERIAL STREET, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 91ST STREET AND HERITAGE LAKES DRIVE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82098 WHEREAS, Andermatt, L.L.C. has submitted an application designated as Special Permit No. 2011 for authority to construct an early childhood care facility with associated waivers on property generally located northeast of the intersection of South 91st Street and Heritage Lakes Drive, and legally described to wit:

A portion of Lot 98 I.T. located in the Northeast Quarter of Section 23, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Lot 98 I.T.; thence on an assumed bearing of south 00 degrees 54 minutes 48 seconds east along the east line of said Lot 98 I.T., a distance of 878.11 feet to an east corner of said Lot 98 I.T.; thence south 19 degrees 17 minutes 46 seconds east along an east line of said Lot 98 I.T., a distance of 73.13 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 431.35 feet, arc length of 64.38 feet, delta angle of 08 degrees 33 minutes 08 seconds, a chord bearing of north 77 degrees 45 minutes 16 seconds west, and a chord length of 64.32 feet to the true point of beginning; thence continuing along a curve in a counter clockwise direction, having a radius of 431.35 feet, arc length of 48.93 feet, delta angle of 06 degrees 29 minutes 55 seconds, a chord bearing of north 85 degrees 16 minutes 48 seconds west, and a chord length of 48.90 feet to a point;

thence along a curve in a counter clockwise direction, having a radius of 433.00 feet, arc length of 203.19 feet, delta angle of 26 degrees 53 minutes 10 seconds, a chord bearing of south 76 degrees 31 minutes 28 seconds west, and a chord length of 201.33 feet to a point of tangency; thence south 63 degrees 04 minutes 54 seconds west, a distance of 7.43 feet to a point; thence north 13 degrees 55 minutes 34 seconds west, a distance of 249.50 feet to a point; thence north 76 degrees 04 minutes 26 seconds east, a distance of 163.31 feet to a point; thence south 83 degrees 55 minutes 34 seconds east, a distance of 155.82 feet to a point; thence south 06 degrees 23 minutes 12 seconds west, a distance of 168.58 feet to a point; thence south 17 degrees 50 minutes 40 seconds east, a distance of 53.78 feet to the point of beginning, said tract contains a calculated area of 65,119.61 square feet or 1.49 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this early childhood care facility will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Andermatt, L.L.C., hereinafter referred to as "Permittee", to construct an early childhood care facility, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.070 of the Lincoln Municipal Code upon condition that construction and operation of said early childhood care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an early childhood care facility.
2. The requirement of Section 27.63.070 (c) that the facility be located on an arterial or collector street is hereby waived to allow access from Heritage Lakes Drive.
3. Before receiving building permits:
 - a. The Permittee must submit an acceptable revised final plan and five copies thereof.
 - b. The construction plans must conform to the approved plans.
 - c. The operation and the premises must meet appropriate local and state licensing requirements, including compliance with health codes.
4. Before occupying the early childhood care facility all development and construction must be in conformance with the approved plans.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF DESIGN STANDARDS REQUIRING THAT LOT LINES BE PERPENDICULAR TO STREETS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82099 WHEREAS, Special Permit No. 2011 for an early childhood care facility on property generally located northeast of the intersection of South 91st Street and Heritage Lakes Drive has been submitted for approval; and

WHEREAS, one of the conditions of approval of said Special Permit, pursuant to Lincoln Municipal Code § 26.23.140(c), is the requirement that lot lines be perpendicular to streets; and

WHEREAS, applicant has requested a modification to waive said requirements pursuant to § 26.31.015 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska: That the requirement of Lincoln Municipal Code § 26.23.140(c) relating to the requirement that lot lines be perpendicular to streets, on the property generally located at South 91st Street and Heritage Lakes Drive, is hereby waived.

Introduced by Glenna Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2007 - APPLICATION OF SUMMIT PROPERTIES L.L.C. FOR AUTHORITY TO SELL ALCOHOL FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 1000 SAUNDERS AVE. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82100 WHEREAS, Summit Properties, L.L.C. has submitted an application designated as Special Permit No. 2007 for authority to sell alcoholic beverages for consumption on the premises generally located at 1000 Saunders Avenue, legally described as:

The south 20 feet of Lots 9, 10, 11, 12, 13, and all of Lots 35, 36, 37, 38 and 39, and the adjacent vacated alley, Block 21, Belmont Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Summit Properties, L.L.C., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption on the premises only as shown on the site plan.

2. Before receiving building permits:

- a. The Permittee must submit a revised and reproducible final plat with five copies.
- b. The construction plans must conform to the approved plans.

3. The site plan approved with this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2008 - APPLICATION OF RED ROBIN INTERNATIONAL FOR AUTHORITY TO SELL ALCOHOL FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 27TH STREET AND PORTER RIDGE ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82101 WHEREAS, Red Robin International has submitted an application designated as Special Permit No. 2008 for authority to sell alcoholic beverages for consumption on the premises generally located northeast of the intersection of South 27th Street and Porter Ridge Road, legally described as:

Part of Outlot A, South Ridge Village 8th Addition, Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the westerly most northwest corner of said Outlot A; thence southerly on the easterly right-of-way line of South 27th Street, on an assigned bearing of south 0 degrees 02 minutes 24 seconds east, a distance of 101.91 feet; thence easterly north 89 degrees 57 minutes 36 seconds east, 21.61 feet to the point of beginning; thence easterly north 89 degrees 57 minutes 36 seconds east, 15.50 feet to a point of curvature of a circular curve to the left, having a radius of 3.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence northeasterly on the chord of said curve north 44 degrees 57 minutes 36 seconds east, 4.24 feet to the point of tangency; thence northerly on said tangent north 0 degrees 02 minutes 24 seconds west, 20.00 feet; thence easterly north 89 degrees 57 minutes 36 seconds east, 199.00 feet; thence southerly south 0 degrees 02 minutes 24 seconds east, 13.62 feet to a point of curvature of a curve to the left, having a radius of 15.00 feet and a central angle of 54 degrees 09 minutes 17 seconds; thence southeasterly on the chord of said curve south 27 degrees 07 minutes 02 seconds east, 13.66 feet to a point of tangency; thence southeasterly on said tangent south 54 degrees 11 minutes 41 seconds east, 1.01 feet to a point of curvature of a circular curve to the left, having a radius of 15.00 feet and a central angle of 100 degrees 35 minutes 36 seconds; thence northeasterly on the chord of said curve north 75 degrees 31 minutes 08 seconds east, 23.09 feet to a point on a circular curve to the right having a radius of 134.00 feet and a central angle of 12 degrees 18 minutes 27 seconds; thence southwesterly on the chord of said curve south 29 degrees 51 minutes 31 seconds west, 28.73 feet to a point of reverse curvature with a circular curve to the left, having a radius of 466.00 feet and a central angle of 24 degrees 27 minutes 46 seconds; thence southwesterly on the chord of said curve south 23 degrees 46 minutes 52 seconds west, 197.45 feet to a point on a circular curve to the left, having a radius of 15.00 feet and a central angle of 24 degrees 44 minutes 52 seconds; thence northerly on the chord of said curve north 0 degrees 49 minutes 27 seconds west, 6.43 feet to a point of compound curvature with a circular curve to the left, having a radius of 10.00 feet and central angle of 76 degrees 50 minutes 31 seconds; thence northwesterly on the chord of said curve north 51 degrees 37 minutes 08 seconds west, 12.43 feet to a point of tangency; thence westerly on said tangent south 89 degrees 57

minutes 36 seconds west, 3.49 feet to a point of curvature of a circular curve to the left, having a radius of 3.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence southwesterly on the chord of said curve south 44 degrees 57 minutes 36 seconds west, 4.24 feet to the point of tangency; thence southerly on said tangent south 0 degrees 02 minutes 24 seconds east, 12.50 feet; thence westerly south 89 degrees 57 minutes 36 seconds west, 118.00 feet; thence northerly north 0 degrees 02 minutes 24 seconds west, 15.50 feet to a point of curvature of a circular curve to the left, having a radius of 3.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence northwesterly on the chord of said curve north 45 degrees 02 minutes 24 seconds west, 4.24 feet to the point of tangency; thence westerly on said tangent south 89 degrees 57 minutes 36 seconds west, 15.50 feet; thence northerly north 0 degrees 02 minutes 24 seconds west, 186.00 feet to the point of beginning, said tract contains an area of 42,924.59 square feet or 0.99 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Red Robin International, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption on the premises only as shown on the site plan.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plat with five copies.
 - b. The construction plans must conform to the approved plans.
3. The site plan approved with this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AMENDING THE LINCOLN DESIGN STANDARDS TO REVISE THE LAND SIZE THRESHOLD AT WHICH APPROVED EROSION AND SEDIMENT CONTROL PLANS ARE REQUIRED FROM TWO ACRES TO ONE ACRE, AND TO CLARIFY PROVISIONS RELATED TO SEDIMENT IN THE PUBLIC RIGHT-OF-WAY - PRIOR to reading:

CAMP Moved to delay action on Bill No. 03R-124 for two weeks on 6-2-03.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE ANNUAL PLAN PURSUANT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY TO PROVIDE FOR WEED CONTROL AND WEED ABATEMENT WITHIN THE CITY - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82102 WHEREAS, the City of Lincoln and Lancaster County have entered into an Interlocal Agreement to provide for noxious weed control and weed abatement within the City of Lincoln, which Agreement was approved by City Council Resolution No. A-77437 on June 17, 1996; and

WHEREAS, pursuant to said Interlocal Agreement the Lancaster County Noxious Weed Control Authority is required to annually submit a plan for the combined weed control program to the County Board, the City Council, and the Mayor; and

WHEREAS, the Lancaster County Noxious Weed Control Superintendent has submitted a plan for 2003, a copy of which is attached hereto, marked Attachment "A", and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the combined weed control plan for calendar year 2003 attached hereto, marked as Attachment "A" is hereby approved and the Mayor is authorized to execute said plan on behalf of the City.

The City Clerk is directed to return one executed copy of the Combined Weed Control Plan for the year 2003 to Earleen Ladd in the Records Division of the County Clerk's Office for retention in their files.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE APPOINTMENT OF SÄNDRA WASHINGTON TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION TO FULFILL AN UNEXPIRED TERM FOR A TERM EXPIRING AUGUST 24, 2005 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82103 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Sandra Washington to the Lincoln-Lancaster County Planning Commission to fill an unexpired term expiring August 24, 2005 is hereby approved.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

APPROVING THE HUB HALL HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN HIGHWAY 15, INC., CHARLES GARY GATELY, TRUSTEE, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 142 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND NORTH OF HOLDREGE STREET - PRIOR to reading:

SVOBODA Moved to continue P.H. and Action in two weeks on 6/2/03.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1995 - APPLICATION OF HUBERT H. HALL TO DEVELOP HUB HALL HEIGHTS COMMUNITY UNIT PLAN FOR 869 DWELLING UNITS ON PROPERTY GENERALLY

LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET - PRIOR to reading:

SVOBODA Moved to continue P.H. and Action in two weeks on 6/2/03.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AND ACCEPTING THE PRELIMINARY PLAT OF HUB HALL HEIGHTS FOR 356 LOTS AND 5 OUTLOTS WITH WAIVERS TO MODIFY THE LAND SUBDIVISION ORDINANCE TO ALLOW BLOCK LENGTHS TO EXCEED STANDARDS AND PERMIT DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET - PRIOR to reading:

SVOBODA Moved to continue P.H. and Action in two weeks on 6/2/03.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF ASPEN RIDGE 1ST ADDITION FOR 30 RESIDENTIAL LOTS AND A WAIVER OF THE REQUIRED STREET TREES ALONG S.W. 27TH STREET, ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND WEST "A" STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82105 WHEREAS, Aspen Builders, Inc. has submitted the preliminary plat of ASPEN RIDGE 1ST ADDITION for acceptance and approval; and
WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated April 4, 2003, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of ASPEN RIDGE 1ST ADDITION, located generally at S.W. 27th Street and West A Street as submitted by Aspen Builders, Inc. is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of Section 26.27.090 of the Lincoln Municipal Code that street trees be planted along both sides of public streets is hereby waived along S.W. 27th Street.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS - NONE

INVESTMENT OF FUNDS FOR THE WEEK OF MAY 5, THRU MAY 9, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82104 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTED FOR THE MONTH OF APRIL, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

ORDINANCES - 1ST READING - NONE

ORDINANCES - 3RD READING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY OF LINCOLN IN AN AMOUNT NOT EXCEEDING \$21,000,000, AND DECLARING AN EMERGENCY - PRIOR to reading:

SVOBODA Moved to waive Council rules to have 2nd and 3rd reading on this date.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Jon Camp, authorizing and providing for the issuance of general obligation various purpose bonds of the City of Lincoln in an amount not exceeding \$21,000,000 and declaring an emergency, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18178** is recorded in Ordinance Book No.259, Page

CHANGE OF ZONE 3404 - APPLICATION OF SGS, L.L.C. DBA AUTO PLEX FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND FLETCHER AVE. - PRIOR to reading:

SENG Moved to waive Council rules to have 2nd and 3rd reading on this date.

CLERK Read the following ordinance, introduced by Jon Camp, for Change of Zone 3404, the application of SGS, L.L.C. DBA Auto Plex for a change of Zone from R-3 Residential to H-3 Highway Commercial District on property generally located at N. 27th Street and Fletcher Avenue, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18179** is recorded in Ordinance Book No.259, Page

VACATING S.W. 13TH STREET FROM THE SOUTH LINE OF WEST "O" STREET TO THE NORTH LINE OF LOT 41 I.T. IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA - PRIOR to reading:

SENG Moved to waive Council rules to have 2nd and 3rd reading on this date.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Jon Camp, vacating S.W. 13th Street from the south line of West "O" Street to the north line of Lot 41 I.T. in the northeast quarter of Section 28, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18180** is recorded in Ordinance Book No.259, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 142 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET - PRIOR to reading:

SVOBODA Moved to continue P.H. & Action in two weeks on 6/2/03.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Ken Svoboda, amending the Corporate Limits of the City by annexing approximately 142 acres of property generally located northeast of N.W. 48th Street and W. Holdrege Street, the third time.

CHANGE OF ZONE 3390 - APPLICATION OF HUBERT H. HALL FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET - PRIOR to reading:

SVOBODA Moved to continue P.H. and Action in two weeks on 6/2/03.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Ken Svoboda, for a change of Zone 3390, the application of Hubert H. Hall for a change of

zone from AG Agricultural District to R-3 Residential District on property generally located northeast of N.W. 48th Street and W. Holdrege Street, the third time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES FOR A THREE-YEAR LEASE OF A FOUR-WHEEL ARTICULATED FRAME LOADER FOR USE BY THE PARKS AND RECREATION DEPARTMENT IN CONSTRUCTION AND MAINTENANCE PROJECTS - PRIOR to reading:

SVOBODA Moved to amend Bill No. 03-72 in the following manner:

On line 1, delete the word "three-year" and insert in lieu there of five-year.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

CLERK Read the following ordinance, introduced by Coleen Seng, approving a lease agreement between the City and Caterpillar Financial Services for a three-year lease of a four-wheel articulated frame loader for use by the Parks and Recreation Department in construction and maintenance projects.

SENG Moved to pass the ordinance as amended.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance being numbered **#18181** is recorded in Ordinance Book No. 25, Page

CHANGE OF ZONE 3392 - APPLICATION OF ASPEN BUILDERS FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND WEST "A" STREET - CLERK read the following ordinance, introduced by Terry Werner, for Change of Zone 3392, the application of Aspen Builders for a Change of Zone from AGR Agricultural Residential to R-3 Residential on property generally located at S.W. 27th Street and West "A" Street, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18182** is recorded in Ordinance Book No.259, Page

APPROVING A FOUR-YEAR AGREEMENT BETWEEN THE CITY AND ALLTEL FOR A 911 ANI/ALI DATABASE, SERVICE AND MAINTENANCE OF EQUIPMENT AT THE 911 COMMUNICATIONS CENTER, AND E-911 DISASTER RECOVERY - CLERK read the following ordinance, introduced by Terry Werner, approving a four-year agreement between the City and Alltel for a 911 ANI/ALI Database, service and maintenance of equipment at the 911 Communications Center, and E-911 Disaster Recover, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18183** is recorded in Ordinance Book No.259, Page

APPROVING A TRANSFER OF FUNDS WITHIN THE PARKS AND RECREATION DEPARTMENT CIP FOR INSTALLATION OF ADDITIONAL AREA LIGHTS IN OAK LAKE PARK PRIOR TO THE 4TH OF JULY FESTIVITIES AND TO ALLOW A VEGETATIVE GRASS COVER TO BE ESTABLISHED ON RECENTLY ACQUIRED PARK LAND LOCATED SOUTHEAST OF CODDINGTON AVENUE AND WEST VAN DORN STREET - CLERK read the following ordinance, introduced by Terry Werner, approving a transfer of funds within the Parks and Recreation Department CIP for installation of additional area lights in Oak Lake Park prior to the 4th of July festivities and to allow a vegetative grass cover to be established on recently acquired park land located southeast of Coddington Avenue and West Van Dorn Street, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18184** is recorded in Ordinance Book No.259, Page

MISCELLANEOUS BUSINESS

ADJOURNMENT

3:30 P.M.

SVOBODA Moved to adjourn the City Council meeting of May 19, 2003.

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Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Senior Office Assistant

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 19, 2003 AT 1:30 P.M.
(BY THE NEW CITY COUNCIL)

RECONVENED AT 3:40 P.M.

CLERK Prior to the meeting being called to order, asked the newly elected Mayor, Coleen Seng, to stand and raise her right hand, to state the Mayor's Oath of Office: "Do you solemnly swear or affirm that you will support the Constitution of the United States and the Constitution of the State of Nebraska, and that you will faithfully and impartially discharge the duties of the Office of Mayor in and for Lincoln, Nebraska, according to law and to the best of our ability; if so, please say "I will".

MAYOR SENG: I will.

CITY CLERK: Congratulations, I present to you Mayor Coleen Seng.
(Applause)

CLERK Then asked the newly elected and re-elected Council Members, Jon Camp, Jonathan Cook, Annette McRoy, and Patte Newman, to stand and raise their right hands to state the Oath of Office for Council: "Do you solemnly swear or affirm that you will support the Constitution of the United States and the Constitution of the State of Nebraska and that you will faithfully and impartially discharge the duties of the office of City Council in and for Lincoln, Nebraska, according to law and to the best of your ability; if so, please state "I will".

CAMP: I will.

COOK: I will.

MCROY: I will.

NEWMAN: I will.

CITY CLERK: Congratulations and I present to you your new Council members. (Applause)

MAYOR SENG: I almost failed at my first task, turning on the microphone. Thank you all for being here today to share in the celebration and I am so sorry you had to wait so long, but that is the public process that we go through and this is really special today. I am so proud to be here as a resident of this city of Lincoln and I am so honored to serve as your Mayor. Thank you. (Applause) I want to say congratulations to all of you who have just taken the oath of office. I look forward to working with each one of you and all the city staff because we are all together to work for the good of this community. It takes each one of us, it takes all of us, the Mayor, the City Council, the staff, all of us functioning as a team to bring service to the residents of this community. Having spent sixteen years within a dias, in the other building and here together, I know and I want to stress the value of each of the city council members. And never forget the value of the City Council members. Each council person comes to this office and they bring the talents that they were given. Sometimes those talents are in conflict, but I want to tell you everybody here is important and each one of us needs to work together. We have challenges before us and we cannot face those challenges unless we all work together. We all have creativity and we all have skills and I want us all to lead this community. The issues will come and go, they always do, I have watched them for sixteen years, but what is best for Lincoln is determined by the process that we use, by the respect that we give each other and the cooperation that we afford to each other. We must have cooperation to move this City forward. The more we do to reach out to each other and to one another, to understand each other's points of view and to craft those solutions that respect as many diverse interests as possible, the better the outcome will be for the Lincoln community. Now I think that is how I am prepared to lead this community. I do know how to bring people together to tackle very difficult problems and to make decisions and to take action. I have the commitment and the conviction to bring about consensus and get things done. I am asking for that same type of commitment from this Council and from the staff. Lincoln is facing many challenges, but we have faced challenges before. There are many Mayors here today and they have faced challenges, other councils have faced challenges. We will face many challenges, but we have to get along together. It takes very hard work. It takes discipline and it takes a shared understanding that we are all in this

together. Success also requires a real commitment to making this community the kind of place that our children and our children's children will be very proud to call home. I want to thank you for this opportunity. I want to thank you for coming today. I will give it the very best I have. Now I know that we have ice that is melting upstairs (laughter), but we have just a little bit of business to take care of. We have to get a chair of the City Council elected and a vice chair. So now we need to get to business. Thank you all for being here. (Applause)

MAYOR COLEEN SENG CALLED THE MEETING TO ORDER AT 3:50 P.M. THEN ASKED FOR NOMINATIONS FOR THE OFFICE OF CHAIRPERSON OF THE CITY COUNCIL.

FRIENDT: I would like to nominate Jon Camp.

MAYOR SENG: Are there any other nominations?

Are there any other nominations?

Are there any other nominations?

I believe the nominations are in order. City Clerk, would you please call for that vote:

CITY CLERK: McRoy?

MCROY: Yes

CITY CLERK: Newman?

NEWMAN: Yes

CITY CLERK: Svoboda?

SVOBODA: Yes.

CITY CLERK: Werner?

WERNER: Yes.

CITY CLERK: Camp?

CAMP: Do I abstain?

MAYOR SENG: Nope, you've got to vote.

CAMP: Yes

CITY CLERK: Cook?

COOK: Yes.

CITY CLERK: Friendt?

FRIENDT: Yes.

CITY CLERK: Motion carried, 7-0. (Applause)

MAYOR SENG: It will now be the business of the new chair to conduct nominations for the vice chair.

COUNCIL CHAIR CAMP: And with that I will entertain a motion for nominations for Vice Chair.

SVOBODA: I would like to place into nomination the name of Terry Werner, as Vice Chair.

MCROY: Second.

COUNCIL CHAIR CAMP: Nominated and second for Terry Werner. Are there other nominations please? As our Mayor just did, I will ask a second time. And a third time for other nominations. I will close the nominations and Madam Clerk, if you would call the roll please?

CITY CLERK: McRoy?

MCROY: Yes.

CITY CLERK: Newman?

NEWMAN: Yes.

CITY CLERK: Svoboda?

SVOBODA: Yes.

CITY CLERK: Werner?

WERNER: Yes.

CITY CLERK: Camp?

CAMP: Yes.

CITY CLERK: Cook?

COOK: Yes.

CITY CLERK: Friendt?

FRIENDT: Yes.

CITY CLERK: Motion carried, 7-0.

COUNCIL CHAIR CAMP: Thank you. (Applause)

COUNCIL CHAIR CAMP: And Madam Clerk I believe we have a couple of important resolutions that we would like to entertain while we still have a number of our guests here, please.

RESOLUTIONS

A RESOLUTION IN APPRECIATION OF DON WESELY FOR HIS SERVICE TO THE CITY AS
MAYOR - CLERK read the following resolution, introduced by Glenn
Friendt, who moved its adoption:

A-82106 WHEREAS, DON WESELY has heretofore well and truly served as Mayor
of the City of Lincoln, Nebraska May, 1999 to May, 2003; and

WHEREAS, it is appropriate for the City Council, on behalf of the
citizens of the City of Lincoln, to publicly express their appreciation
and gratitude for Mayor Don Wesely's untiring service and many
contributions to making the City of Lincoln great and to cause said
expression of appreciation and gratitude to be forever made a part of
the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Lincoln, on behalf of themselves and all the citizens of the City of
Lincoln, that the appreciation and gratitude of all are hereby extended
to

DON WESELY

for his service as the Mayor of the City of Lincoln, Nebraska together
with warmest and best wishes for continued good health, happiness, and
success in all his future endeavors.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

A RESOLUTION IN APPRECIATION OF COLEEN SENG FOR HER SERVICE TO THE CITY AS
CITY COUNCILPERSON - CLERK read the following resolution, introduced by
Glenn Friendt, who moved its adoption:

A-82107 WHEREAS, COLEEN SENG has heretofore well and truly served as a
member of the Lincoln City Council from May, 1987 to May, 2003, and as
Chairman of the City Council during 1992 and 1999; and

WHEREAS, it is appropriate for the City Council, on behalf of the
citizens of the City of Lincoln, to publicly express their appreciation
and gratitude for Coleen's untiring service and many contributions to
making the City of Lincoln great and to cause said expression of
appreciation and gratitude to be forever made a part of the records of
the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Lincoln, on behalf of themselves and all the citizens of the City of
Lincoln, that the appreciation and gratitude of all are hereby extended
to

COLEEN SENG

for her service as a member of the City Council of the City of Lincoln,
together with warmest and best wishes for continued good health,
happiness, and success in all her future endeavors.

Introduced by Glenn Friendt

Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

The following have been referred to the Planning Dept.

CHANGE OF ZONE NO. 3407 - APP. OF BRIAN D. CARSTENS REPRESENTING MIKE MOSER
FOR A CHANGE OF ZONE TO CREATE A COMMUNITY UNIT PLAN WITH 37 DWELLING
UNITS ON PROPERTY LOCATED AT CHERRYWOOD DRIVE & SYCAMORE DRIVE.

SPECIAL PERMIT NO. 1583A - APP. OF RAYBOULD PARTNERS, LTD. TO CREATE A
COMMERCIAL PARKING LOT IN A RESIDENTIAL DISTRICT ON PROPERTY LOCATED AT
1744 GARFIELD STREET.

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SPECIAL PERMIT NO. 1869B - APP. OF ROSS ENGINEERING, REPRESENTING COUNCIL BUILDING ASSOCIATION TO CHANGE THE SETBACKS ON LOTS 11, 12 AND 13, A SIDE YARD SETBACK FOR THE WEST LOT LINE OF LOT 11 AT KNIGHTS COURT C.U.P. ON PROPERTY GENERALLY LOCATED AT SOUTH STREET AND SOUTH 60TH STREET.

SPECIAL PERMIT NO. 2017 - APP. OF BRIAN D. CARSTENS REPRESENTING MIKE MOSER TO CREATE A COMMUNITY UNIT PLAN WITH 37 DWELLING UNITS ON PROPERTY LOCATED AT CHERRYWOOD DRIVE & SYCAMORE DRIVE.

REPORTS TO CITY OFFICERS

FINAL REPORT FROM THE MAYOR'S INFRASTRUCTURE FINANCE COMMITTEE (MIFC) DATED MAY, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1st READING - NONE

ORDINANCES - 3rd READING - NONE

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to June 2, 2003.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on June 2, 2003.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT

4:00 P.M.

SVOBODA Moved to adjourn the City Council meeting of May 19, 2003.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Senior Office Assistant